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PAT.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 97,008-X)

U.S. PRO  
10/054535  
01/22/02

In re Application of:	)	
	)	
COPELAND, et al.	)	
	)	Group Art Unit: Not yet assigned
Serial No.: Not yet assigned	)	
	)	Examiner: Not yet assigned
Filed: January 22, 2002	)	
	)	
For: Automated Biological	)	
Reaction Apparatus	)	

Commissioner for Patents  
Washington, DC 20231

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102

Dear Sir:

Applicants hereby petition to make the above-referenced application special under 37 C.F.R. §1.102 because of actual infringement. In the parent application to this case, U.S. Serial Number 09/452,309 Applicants submitted a petition to make special. The previously submitted petition and information disclosure statement is enclosed. In support of the current petition, Applicants state that there is an infringing device currently on the market which infringes at least one of the claims currently pending in the application. The undersigned states that he has obtained information regarding the operation of the infringing device. The undersigned further states that he has compared the information regarding the operation of the infringing device with some of the claims of the currently pending application (as filed in Applicants preliminary amendment) and it is the undersigned's opinion that some of the claims are unquestionably infringed.

Further, in U.S. Serial Number 09/452,309, the undersigned engaged a searcher to perform a careful and thorough search of the prior art. The claims pending in the current case are similar subject

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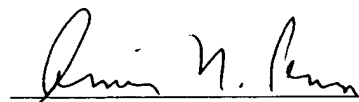
matter to the claims in U.S. Serial Number 09/452,309. Enclosed is an information disclosure statement  
filed in U.S. Serial Number 09/452,309. The references may be found in U.S. Serial Number  
09/452,309. Finally, enclosed is the fee under 37 C.F.R. §1.17(i).

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff

DATED: January 22, 2002

By:

  
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